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November 15, 2012

**Via: E-Mail (ForrestNYSDChambers@nysd.uscourts.gov)**  
**And Regular Mail**

Honorable Katherine B. Forrest  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 745  
New York, New York 10007-1581

**Re: JAMES ABRAHAM, ET AL. v. RICHARD AQUILONE, JR.**  
**Index No.: 11-cv-05947 (KBF)**  
**Our File No.: 628-16385**

Dear Judge Forrest:

We are counsel for defendant, Richard Aquilone, Jr., in the above captioned marine collision matter.

Per Your Honor's Orders of **July 25, 2012** and **November 15, 2012**, we hereby provide the Court with an update on the status of defendant's criminal proceeding before the State of New York:

On **September 13, 2012**, defendant was indicted in the Supreme Court of the State of New York, County of New York, Indictment Num. 3325/2012.

Defendant's counsel submitted an initial discovery demand letter to the Assistant District Attorney, requesting access to and discovery of evidence pursuant to applicable New York Criminal Procedure Law. The Assistant District Attorney has not yet granted defendant access to the requested evidence.

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On **October 29, 2012**, defendant was scheduled to appear before Judge Stone for a status conference. However, due to the effects of Hurricane Sandy, this conference was postponed until **November 19, 2012**. Defendant's counsel intends to present a motion to dismiss the charges before Judge Stone at the upcoming conference.

The criminal proceedings remain open at this time.

Per Your Honor's Order, we will continue to monitor this matter, update the Court every three (3) months as the criminal proceedings remain open, and we will notify the Court immediately when these are resolved.

Very respectfully,



Richard González

JEM/RG/bl

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